



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/697,619	10/26/2000	Brett Rosen	D2446	4818

27774 7590 05/28/2002

MAYER, FORTKORT & WILLIAMS, PC
251 NORTH AVENUE WEST
2ND FLOOR
WESTFIELD, NJ 07090

EXAMINER

DINH, TUAN T

ART UNIT PAPER NUMBER

2827

DATE MAILED: 05/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/697,619

Applicant(s)

ROSEN ET AL.

Examiner

Tuan T Dinh

Art Unit

2827

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 25 February 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities:

Claim 1, lines 2-3, change "an inner and outer surface" to --an inner and outer surfaces--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, lines 8-9, it is unclear. What does applicant really meant of "said electrical component...maybe electrically connected to said mounting surface?" This limitation is vague and indefinite.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1 and 8 rejected under 35 U.S.C. 102(e) as being anticipated by Van Lerberghe (U. S. Patent 6,151,221).

As best understood to claims 1 and 8, Van Lerberghe discloses a bracket (7, column 3, line 4) and a method for mounting an electrical component device (5, column 2, line 65) as shown in figures 1-2 comprising:

a first end (12, column 3, line 27), said first end having a substantially semi-circular shape (13-figure 2a) and an inner and outer surfaces, whereby said inner surface and said substantially semi-circular shape permit the electrical component (5-figure 1) device to be retained thereon;

a second end (part of leg 24-figure 2b); and

a shaft (23-figure 2b) connecting said first and second ends (12, 24-see figure 2b), said shaft having at least one mounting point for attached said bracket to a mounting surface (4-figure 1), (a shaft-24 having bottom surface for attached the bracket-7, 11, 21, or 31-figures 1-2 to a substrate);

wherein upon attaching said bracket (7) to said mounting surface (4), said electrical component device (5), retained at said first end may be electrically connected to said mounting surface.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Lerberghe in view of Prior Art (PA, reference cited by applicant)).

As to claims 2 and 3, Van Lerberghe discloses all of the limitations of claimed invention; except for an electrical component device is photodiode or a laser. PA shows an electrical component which is a photodiode or a laser (102) disclosed in figure 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the photodiode or laser as taught by PA to modify the component of Van Lerberghe in order to provide an indicator (light or LED) for a circuit board.

As to claim 4, Van Lerberghe discloses the bracket made by resilient metal foil (ex: steel or copper). Van Lerberghe does not disclose said shaft and said first and second ends are comprised of aluminum.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a bracket made by aluminum material to modify the bracket material of Van Lerberghe in order to reduce weight and less conductivity.

As to claim 5, Van Lerberghe discloses the bracket as shown in figure 2 wherein said shaft forms a right angle whereby said second end and at least one mounting point are disposed 90 degrees relative to said first end.

As to claims 6-7, and 9-10, Van Lerberghe does not show said mounting surface comprises a transimpedance amplifier or a plug in circuit board.

PA shows a mounting surface (motherboard) disclosed in figure 1 comprises an amplifier or plug in board.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use an amplifier or plug-in board as taught by PA to provide the mounting surface of the Van Lerberghe in order to permit ease of the assembly.

Response to Arguments

8. Applicant's arguments filed 02/26/02 have been fully considered but they are not persuasive.

Applicant argues:

Van Lerberghe does not teach or suggest a bracket having an "end with a substantially semi-circular shape"

"the clamp itself" simply is not substantially semi circular.

Examiner disagrees.

Van Lerberghe shows a bracket (11, 23, 31-figures 2a-2c) comprising a first end (a channel 12) being a one end of the bracket (11-figure 2a), and the first end having a substantially semi-circular shape (13).

Van Leberghe shows a channel 12 having a cutout portion at a first end having substantially semi circular to retain a component.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan T Dinh whose telephone number is 703-306-5856. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Talbott can be reached on 703-305-9883. The fax phone numbers

Application/Control Number: 09/697,619
Art Unit: 2827

Page 7

for the organization where this application or proceeding is assigned are 703-308-1341 for regular communications and 703-308-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

TD
May 7, 2002



KAMAND CUNEO
PRIMARY EXAMINER